

**NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 20, 2004**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent and excused -- Barraclough, Barrett, Bedke, Jones, Meyer, Sali, Schaefer. Total -- 7.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Chera Crane, Page.

Approval of Journal

January 20, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 20, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 476, H 477, H 478, and H 479.**

FIELD(18), Chairman

H 476, H 477, H 478, and H 479 were referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 480

BY NACCARATO

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-416A, IDAHO CODE, TO ESTABLISH AN

HISTORIC LEWISTON SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 481

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE IDAHO INCOME TAX ACT; AMENDING SECTION 41-3821, IDAHO CODE, TO CLARIFY THE EXCLUSION FOR CERTAIN DIVIDENDS PAYABLE TO A MUTUAL INSURANCE STOCK HOLDING COMPANY OR INTERMEDIATE HOLDING COMPANY; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE A CORRECT REFERENCE TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3022A, IDAHO CODE, TO PROVIDE CHANGES IN RETIREMENT AGE UNDER THE SOCIAL SECURITY ACT AND TO PROVIDE A DEFINITION OF DISABLED; AMENDING SECTION 63-3022D, IDAHO CODE, TO CLARIFY THAT TO QUALIFY FOR THE DEDUCTION FOR CERTAIN EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE, SERVICES MUST BE PAID BY THE INDIVIDUAL MAINTAINING THE HOUSEHOLD; AMENDING SECTION 63-3022N, IDAHO CODE, TO PROVIDE A CORRECT CITATION; AMENDING SECTION 63-3035A, IDAHO CODE, TO UPDATE THE INCOME TAX WITHHOLDING RATE APPLICABLE TO LOTTERY WINNINGS; AND DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

HOUSE BILL NO. 482

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE CERTAIN FEES.

HOUSE BILL NO. 483

BY BUSINESS COMMITTEE

AN ACT

RELATING TO LICENSURE BY THE IDAHO BOARD OF COSMETOLOGY; AMENDING SECTION 54-805, IDAHO CODE, TO ELIMINATE A REQUIREMENT OF WORK EXPERIENCE FOR INSTRUCTOR LICENSES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 484

BY BUSINESS COMMITTEE

AN ACT

RELATING TO RECORDING OF SURVEYS; AMENDING SECTION 55-1902, IDAHO CODE, TO INCLUDE A DEFINITION OF "BASIS OF BEARING"; AND AMENDING SECTION 55-1906, IDAHO CODE, TO CLARIFY REQUIRED CONTENTS OF RECORDS OF SURVEY.

HOUSE BILL NO. 485

BY BUSINESS COMMITTEE

AN ACT

RELATING TO PROFESSIONAL ENGINEERS AND

PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 54-1212, IDAHO CODE, TO CLARIFY EDUCATION, EXAMINATION AND GRADUATE EDUCATION REQUIREMENTS TO MEET QUALIFICATIONS FOR LICENSURE; AMENDING SECTION 54-1212, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 125, LAWS OF 2002, AS AMENDED BY SECTION 2, CHAPTER 15, LAWS OF 2003, TO CLARIFY EDUCATION, EXAMINATION AND GRADUATE EDUCATION REQUIREMENTS TO MEET QUALIFICATIONS FOR LICENSURE; AMENDING SECTION 54-1213, IDAHO CODE, TO CLARIFY THAT THE BOARD MAY CHARGE APPLICANTS FOR THE COST OF ADMINISTRATION OF EXAMINATIONS; AMENDING SECTION 54-1220, IDAHO CODE, TO CLARIFY AUTHORITY OF THE EXECUTIVE DIRECTOR IN DISCIPLINARY ACTIONS; AND AMENDING CHAPTER 12, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1236, IDAHO CODE, TO SPECIFY EXCLUSIVE JURISDICTION OF THE STATE AND TO PROHIBIT REQUIREMENTS FOR ADDITIONAL LICENSES OR FEES.

HOUSE BILL NO. 486
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE SCOPE OF AUTHORITY OF THE BOARD OF REAL ESTATE APPRAISERS; AMENDING SECTION 54-4105, IDAHO CODE, TO FURTHER DEFINE EXEMPTIONS AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 487
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-345, IDAHO CODE, TO DELETE THE REQUIREMENT THAT INSURERS FILE COPIES OF REPORTS WITH THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

HOUSE BILL NO. 488
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE STATE INSURANCE FUND; AMENDING SECTION 72-914, IDAHO CODE, TO PROVIDE THAT THE STATE INSURANCE FUND SHALL BE EXAMINED BY THE DEPARTMENT OF INSURANCE AT LEAST ONCE EVERY FIVE YEARS.

HOUSE BILL NO. 489
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO SELF-FUNDED HEALTH CARE PLANS; AMENDING SECTION 41-4003, IDAHO CODE, TO INCREASE APPLICABLE DEDUCTIBLE AND OBLIGATION AMOUNTS OF SELF-FUNDED PLANS FOR PURPOSES OF DETERMINING EXEMPTION FROM REGISTRATION REQUIREMENTS AND TO MAKE A TECHNICAL

CORRECTION.

HOUSE BILL NO. 490
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO SURPLUS LINES INSURERS; AMENDING SECTION 41-1217, IDAHO CODE, TO REQUIRE ELIGIBLE SURPLUS LINES INSURERS TO NOTIFY THE DIRECTOR OF ANY CHANGES TO THE INSURER'S NAME, ADDRESS OR STATE OF DOMICILE WITHIN SIXTY DAYS.

HOUSE BILL NO. 491
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO SUSPENSION OF INSURER CERTIFICATES OF AUTHORITY; AMENDING SECTION 41-329, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR MAY ISSUE NEW ORDERS OF SUSPENSION, TO PROVIDE THAT CERTIFICATES OF AUTHORITY SHALL BE DEEMED TERMINATED AT THE END OF THE SUSPENSION PERIOD IF NOT REINSTATED OR IF A NEW ORDER OF SUSPENSION IS NOT ISSUED AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 492
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO AUTHORIZATION OF INSURERS; AMENDING SECTION 41-319, IDAHO CODE, TO REQUIRE FOREIGN CORPORATIONS TO SUBMIT ONE COPY AND DOMESTIC CORPORATIONS TO SUBMIT THREE COPIES OF SPECIFIED CORPORATE DOCUMENTS WITH AN APPLICATION FOR AN ORIGINAL CERTIFICATE OF AUTHORITY AND TO DELETE DOCUMENT REQUIREMENTS RELATING TO WORKER'S COMPENSATION INSURERS AND AUTHORIZED REPRESENTATION.

HOUSE BILL NO. 493
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO FOREIGN AND ALIEN INSURERS; AMENDING SECTION 41-316, IDAHO CODE, TO CLARIFY AN EXCEPTION TO THE REQUIREMENT OF DEPOSIT BASED UPON A CERTIFICATE FROM THE INSURER'S STATE OF DOMICILE AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 41-317, IDAHO CODE, RELATING TO SPECIAL DEPOSITS FOR FOREIGN OR ALIEN INSURERS WRITING WORKMEN'S COMPENSATION COVERAGES IN IDAHO; AMENDING SECTIONS 41-319 AND 41-802, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING SPECIAL DEPOSITS FOR WORKER'S COMPENSATION COVERAGE; AMENDING SECTION 41-803, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 41-804, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE APPLICABLE TO SPECIAL DEPOSITS FOR WORKMEN'S COMPENSATION COVERAGE; AND AMENDING SECTION

41-810, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE APPLICABLE TO SPECIAL DEPOSITS FOR WORKMEN'S COMPENSATION COVERAGE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 494
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INSURER REQUIREMENTS; AMENDING SECTION 41-311, IDAHO CODE, TO LIMIT THE ABILITY OF AN INSURER TO TRANSACT INSURANCE IN IDAHO BASED ON THE CHARACTERISTICS OF THE BUSINESS NAME OF THE INSURER AND TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PERMIT OR REQUIRE AN INSURER TO SUPPLEMENT OR MODIFY A BUSINESS NAME IN THE CASE OF A CONFLICT OF NAMES.

HOUSE BILL NO. 495
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-210, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO SPECIFY THE PLACE AND MANNER OF FILING OF DOCUMENTS.

HOUSE BILL NO. 496
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INDIVIDUAL DEFERRED ANNUITIES; AMENDING SECTION 41-1927A, IDAHO CODE, TO REVISE MINIMUM NONFORFEITURE AMOUNTS APPLICABLE TO ANNUITY CONTRACTS ISSUED BY INSURERS, TO AUTHORIZE THE DIRECTOR TO ADOPT RULES AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING EFFECTIVE DATES FOR NONFORFEITURE AMOUNT PROVISIONS.

HOUSE BILL NO. 497
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-335, IDAHO CODE, TO PROVIDE THAT ANNUAL STATEMENTS SHALL BE PREPARED IN ACCORDANCE WITH SPECIFIED STANDARDS OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND REVISIONS TO SUCH STANDARDS AS ADOPTED BY THE DIRECTOR, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE GRAMMATICAL CORRECTIONS.

HOUSE BILL NO. 498
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE BUREAU OF OCCUPATIONAL LICENSES; AMENDING SECTION 67-2609, IDAHO CODE, TO AUTHORIZE THE BUREAU TO CONDUCT HEARINGS AND PROCEEDINGS TO REVOKE, SUSPEND, REFUSE ISSUANCE OR REFUSE RENEWAL OF LICENSES, CERTIFICATES OR AUTHORITIES, TO AUTHORIZE THE

BUREAU TO SUSPEND OR REFUSE ISSUANCE OF SUCH LICENSES, CERTIFICATES OR AUTHORITIES, TO AUTHORIZE THE BUREAU TO CONDUCT INVESTIGATIONS INTO VIOLATIONS, TO REQUIRE REGULATED PROFESSIONALS TO ANSWER QUESTIONS AND PRODUCE DOCUMENTS, TO PROVIDE THAT FAILURE TO DISCLOSE REQUESTED INFORMATION SHALL BE GROUNDS FOR DISCIPLINE, TO PROVIDE FOR THE FILING OF A PETITION TO MODIFY OR SET ASIDE AN INVESTIGATIVE DEMAND AND TO PROVIDE THAT SUCH PETITION FILING SHALL NOT CONSTITUTE MISCONDUCT OR GROUNDS FOR DISCIPLINE EXCEPT IN SPECIFIED CIRCUMSTANCES.

HOUSE BILL NO. 499
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO DOMESTIC STOCK INSURERS; AMENDING SECTION 41-2826, IDAHO CODE, TO PROVIDE THAT DOMESTIC STOCK INSURERS MAY AMEND THEIR BYLAWS AS PROVIDED BY STATE LAW.

HOUSE BILL NO. 500
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO AN ELECTION CANDIDATE DISAGREEING WITH RECOUNT RESULTS; AMENDING SECTION 34-2308, IDAHO CODE, TO PROVIDE WHEN A CANDIDATE MAY APPEAL THE RESULTS OF A RECOUNT OR THE DETERMINATION THAT A RECOUNT IS NOT NECESSARY, TO REVISE PROCEDURES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEY'S FEES.

HOUSE BILL NO. 501
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO CIVIL LIABILITY; AMENDING CHAPTER 9, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-930, IDAHO CODE, TO PROVIDE FOR NO PERSONAL LIABILITY IN CERTAIN INSTANCES FOR INDIVIDUALS SERVING ON GOVERNING BOARDS OF GOVERNMENTAL UNITS, BOARDS OR AGENCIES OR OF GOVERNMENTAL CORPORATIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 502
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO TELECOMMUNICATION REGULATION; AMENDING SECTION 62-604, IDAHO CODE, TO PRESCRIBE AN ELECTION BY THE CORPORATION TO GOVERN APPLICABILITY OF THE CHAPTER TO CERTAIN TELEPHONE CORPORATIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 62-605, IDAHO CODE, TO PROVIDE CONTINUING AUTHORITY OF THE COMMISSION RELATING TO TELECOMMUNICATION SERVICES SUBJECT TO CHAPTER 6, TITLE 62, IDAHO CODE, AND

PROVIDING FOR COMMISSION REPORTS TO THE GOVERNOR AND THE LEGISLATURE.

H 480, H 481, H 482, H 483, H 484, H 485, H 486, H 487, H 488, H 489, H 490, H 491, H 492, H 493, H 494, H 495, H 496, H 497, H 498, H 499, H 500, H 501, and H 502 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11:15 a.m., Wednesday, January 21, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:33 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk